

# ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING** 

DATE REQUESTED: NOVEMBER 06, 2013

NAME & NUMBER Austin Oaks Restaurant

OF PROJECT: SP-2013-0058CT

NAME OF APPLICANT Jones & Carter, Inc.

OR ORGANIZATION: Shawn Graham, P.E., (512) 441-9493

LOCATION: 7601 Wood Hollow Drive

**PROJECT FILING DATE:** Feb. 19, 2013

WPD/ERM Sylvia Pope 974-3429

STAFF: sylvia.pope@austintexas.gov

PDRD/ENVIRONMENTAL Liz Johnston, 974-1218

STAFF: liz.johnston@austintexas.gov

PDRD/ Donna Galati, 974-2733

CASE MANAGER: donna.galati@austintexas.gov

WATERSHED: Shoal Creek (Urban),

Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

**REQUEST:** 1) Variance request is as follows: To allow construction of a

restaurant and associated structures downslope of and at a distance less than 150 feet from a Critical Environmental

Feature buffer, 25-8-281(C)(1)(a);

STAFF RECOMMENDATION: Recommend

**REASONS FOR RECOMMENDATION:** The findings of fact have been met.

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#### MEMORANDUM

TO: Mary Gay Maxwell, Chairperson and Members of the Environmental Board

FROM: Liz Johnston, Environmental Review Specialist Senior

Planning and Development Review Department

**DATE:** October 30, 2013

**SUBJECT:** Austin Oaks Restaurant, SP-2013-0058CT

On the November 06, 2013 agenda is a request for the consideration of a variance to allow development of a restaurant and associated structures downslope of and at a distance less than 150 feet from a Critical Environmental Feature at the subject property.

# **Description of Property**

The subject property is a 1.8 acre tract (Lot 4B, Koger Executive Center Unit Five) located in the Shoal Creek Watershed, which is classified as an Urban watershed and is located within the Desired Development Zone. The property is undeveloped and is surrounded by multifamily and office uses at the corner of Wood Hollow Drive and Executive Center Drive. The property is located within the Northern Edwards Aquifer Recharge Zone.

# Existing Topography/Soil Characteristics/Vegetation

The project is bisected by a tributary to Shoal Creek and the associated 100-year floodplain and Critical Water Quality Zone. The topography ranges between approximately 734 to 768 mean sea level. According to the EA, the soils in this area are classified as the Brackett association, which consists of shallow, gravelly, calcareous, loamy soils overlying interbedded limestone and marl. Vegetation consists of a mix of native woodland, including Live Oak, Black Willow, Ashe Juniper, Hackberry, Cedar Elm and Mexican Buckeye, with many occurrences of non-native invasive species such as Japanese Privet, Chinaberry and Nandina.

# Critical Environmental Features/Endangered Species

A wetland CEF is present along the length of the tributary and the proposed project is compliant with the preservation of the wetland. Additionally, the EA identified three other Critical Environmental Features near or adjacent to the property, including a rimrock, a spring/seep located along the rimrock, and a small sinkhole. The property is not known habitat for endangered species.

#### **Description of Project**

The project consists of a restaurant and associated development.

<u>Environmental Code Exception Request</u>
The following exception to the land development code is requested:

1) To allow construction less than 150' from a Critical Environmental Feature setback, LDC 25-8-281(C)

# **Conditions for Staff Approval**

1) Remove invasive species within the CEF setback and restore with native 609.S vegetation.

# Recommendation

Staff recommends approval of the variances because the Findings of Fact (see attached) have been met.



# Staff Findings of Fact Planning and Development Review Department Environmental Criteria Manual Appendix U

**Project:** 

Ordinance Standard:

Variance Request:

Austin Oaks Restaurant SP-2013-0058CT Land Development Code Section 25-8-281(C)

To allow construction of a restaurant and associated development within a Critical Environmental Feature

(CEF) buffer.

### Justification:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes The proposed project is an urban infill project and adjacent properties were developed prior to the current requirements for CEF setbacks. The rimrock has already been affected by the existing development located directly upslope from the proposed project. The property is also bisected by a Critical Water Quality Zone, which significantly constrains the developable area on the lot.

#### 2. The variance:

A) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes Due to the site constraints, it would be difficult to develop the site commercially for any project without requiring a CEF variance. To provide greater overall environmental protection, the applicant is proposing to remove invasive vegetation from the area adjacent to the rimrock and swale, which is not required by current code.

- B) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

  Ves. The site is zoned GR which allows 90% impervious cover. The proposes
- Yes The site is zoned GR, which allows 90% impervious cover. The proposed development is a reasonable use of the property. Any project likely to occur in a GR zoning district would encounter the same site constraints.
- C) Does not create a significant probability of harmful environmental consequences; Yes – The project is located downslope from the rimrock and therefore will not affect the rimrock.
- 3) For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? **Not applicable.**

Environmental Reviewer:

Liz Johnston

**Environmental Program Coordinator:** 

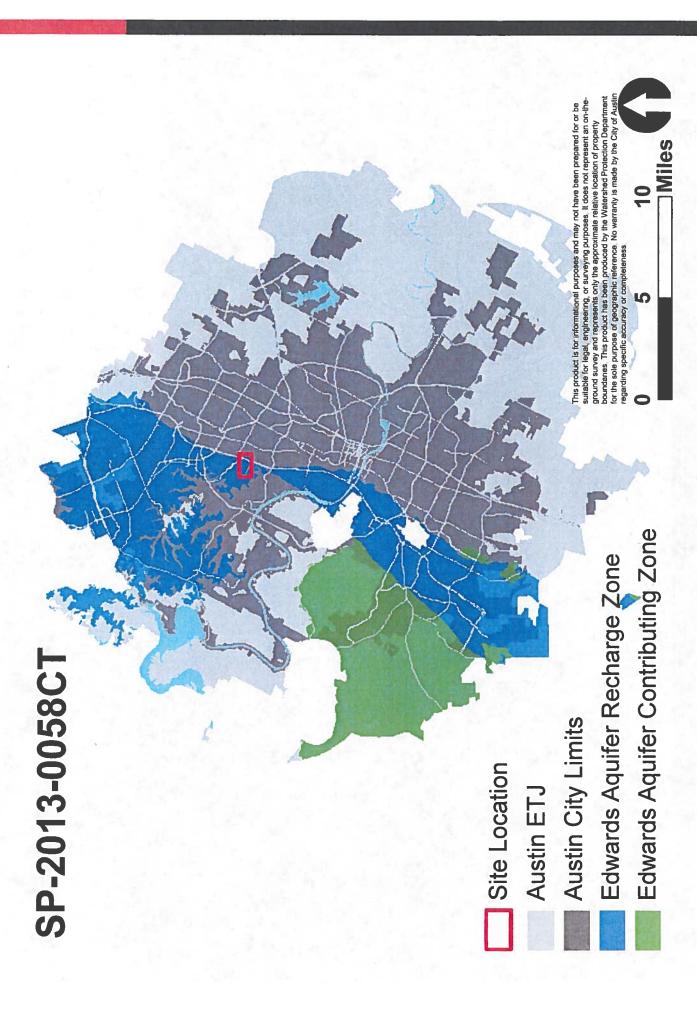
Sue Barrlett

**Environmental Officer:** 

Chuck Lesniak

Date: October 30, 2013

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



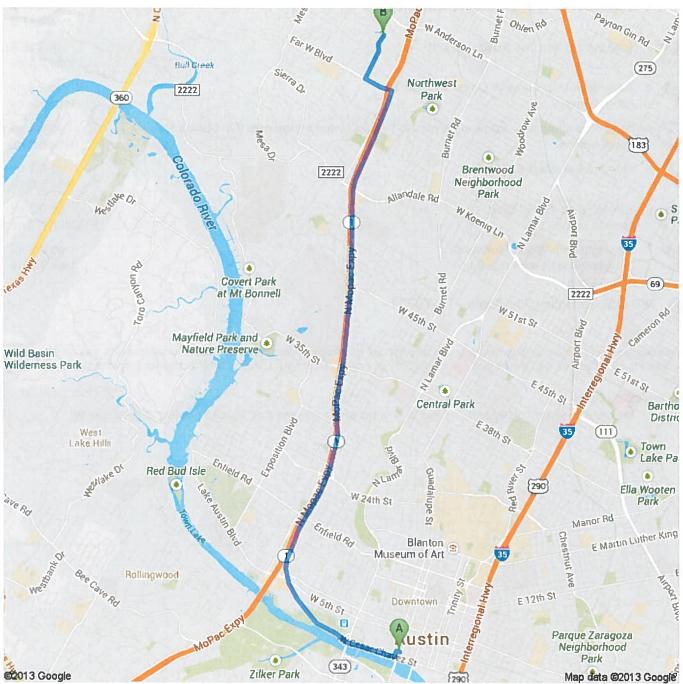








# Directions to 7601 Wood Hollow Dr, Austin, TX 78731 7.8 mi – about 12 mins



1 of 2



# 301 W 2nd St, Austin, TX 78701

	1. Head west on W 2nd St toward Guadalupe St	go 217 ft total 217 ft
4	2. Take the 1st left onto Guadalupe St	go 358 ft total 0.1 mi
Ļ	3. Take the 1st right onto W Cesar Chavez St     About 2 mins	go 1.2 mi total 1.4 mi
1	4. Keep right at the fork, follow signs for TX-1 Loop N and merge onto TX-1 Loop N About 5 mins	go 5.4 mi total 6.8 mi
7	5. Take the Far West Blvd exit	go 0.2 mi total 7.0 mi
+	6. Turn left onto Far W Blvd About 1 min	go 0.3 mi total 7.3 mi
Ļ	7. Turn right onto <b>Wood Hollow Dr</b> Destination will be on the right About 1 min	go 0.5 mi total 7.8 mi
B	7601 Wood Hollow Dr, Austin, TX 78731	

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2013 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.



# ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

October 25, 2013

Zoning and Platting Commission 301 W 2nd Street Austin, Texas 78701

Re:

CEF Rimrock Setback Variance Austin Oaks Restaurant 7601 Wood Hollow Drive SP-2013-0058CT

#### Dear Commissioners:

On behalf of our client, 2011 Austin Oaks Ltd., Jones & Carter, Inc. is requesting a variance from the requirements of a 150-foot buffer zone from the edge of the critical environmental features (CEFs) located immediately adjacent to the Austin Oaks Restaurant lot. The lot is currently undeveloped and the proposed improvements include a restaurant building and associated parking lot. The CEF are located on the lot adjacent to the east property line and include rimrock, a spring, and a seep. The proposed site improvements are located downgradient of all three CEFs and no surface runoff from our site is directed toward the CEFs.

A setback of 25-feet is proposed to the west of the rimrock, with a 50-foot setback to the north. Due to numerous site constraints on the 1.778-acre tract, including multiple drainage easements and a critical water quality zone, only a small portion of the lot, approximately 0.65-acres, is available for development. The CEF setbacks were previously discussed with Sylvia Pope, P.G. with the Environmental Resource Management during a site visit conducted on November 29, 2012. The need for a formal variance was discussed at that visit and during a May 21, 2013 staff meeting. Based on these discussions with city staff and the preservation of all CEF characteristics, we request that a waiver from the requirement of LDC 25-8-281(C)(1)(a) be granted for this project to reduce the setback to 25-feet downgradient of the rimrock.

If you have any questions or require additional information, please contact me at (512) 441-9493.

Sincerely,

Shawn Graham, P.E., LEED AP.

# PROJECT DESCRIPTION

# **Applicant Contact Information**

Name of Applicant	Shawn Graham, P.E.
Street Address	1701 Directors Blvd., Suite 400
City State ZIP Code	Austin, TX 78744
Work Phone	512-441-9493
E-Mail Address	sgraham@jonescarter.com

# Variance Case Information

Case Name	Austin Oaks Restaurant
Case Number	SP-2013-0058CT
Address or Location	7601 Wood Hollow Drive
Environmental Reviewer Name	Liz Johnston
Applicable Ordinance	25-8-281(C)(1)(a)
Watershed Name	Shoal Creek
Watershed Classification	X Urban ☐ Suburban ☐Water Supply Suburban ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone	<ul> <li>□ Barton Springs Segment</li> <li>□ Not in Edwards Aquifer Zones</li> </ul> X Northern Edwards Segment
Edwards Aquifer Contributing Zone	☐ Yes X No
Distance to Nearest Classified Waterway	
Water and Waste Water service to be provided by	Austin Water Utility
Request	The variance request is as follows: from Section LDC 25-8-281(C)(1)(a) which requires a 150 foot buffer zone from a critical environmental feature.

Impervious cover	Existing	Proposed
square footage:	<u>0.0</u>	<u>13,144</u>
acreage:	<u>0.0</u>	<u>0.3017</u>
percentage:	0.0	<u>17.0</u>
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	The lot is a 1.779-acre tract that is bised Critical Water Quality Zone. The north a bounded by Executive Center Drive and and there are steep slopes on the south is partially wooded along the swale and the lot. The adjacent properties are occ constructed in 1974 on the east and apa 1974 and 1982 per the County tax reconvariance is requested is located upgrad office building property.  The proposed development will be downgreause any impact to the rimrock.	and west sides of the lot are Wood Hollow Drive, respectively, and east sides of the lot. The site there are three heritage trees on upied by an office building artment buildings constructed in ds. The rimrock for which the ient of the lot to the east on the

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)

The request is to reduce the CEF setback to 25-feet from the rimrock on the adjacent property. The director can approve administrative variances to 50 feet, but due to the other constraints, including the Critical Water Quality Zone, the request is to allow grading up to 25 feet downgradient of the rimrock.

# **FINDINGS OF FACT**

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: Austin Oaks Restaurant

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes The adjacent properties were all developed prior to the Comprehensive Watershed Ordinance and therefore were not required to comply with the CEF setbacks so the rimrock has been compromised by the existing development upgradient of the feature. The project is an infill project in the urban watershed and will comply with the Critical Water Quality Zone setback, which severely limits the area where development can occur

#### 2. The variance:

a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes, the development provides greater overall environmental protection than is achievable without the variance because the rimrock is on the adjacent property therefore the development will employ means to protect the rimrock within its property and will also remove invasive vegetation from the area adjacent to the rimrock and swale.

b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes, the minimum change to allow the 25-foot buffer will allow the development to occur as a reasonable use of the property; the constraints on the project also requires a shared parking agreement since the minimum number of spaces cannot be provided on the lot.

c) Does not create a significant probability of harmful environmental consequences;

No, the development will be downgradient of the rimrock so there is not harmful environmental consequences that will occur.

В.	Additional Land Use Commission variance determinations for a requirement of Section 25-8-393
	(Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453
	(Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1.	The	criteria	for	granting	a	variance i	in	Section A	Α	are	met;
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N/A

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A

<sup>\*\*</sup>Variance approval requires all above affirmative findings.



# **Exhibits for Board Backup and/or Presentation**

Please attach and paginate.

- Aerial photos of the site (backup and presentation)
- Site photos (backup and presentation)
- Aerial photos of the vicinity (backup and presentation)
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways (backup and presentation)
- Topographic Map A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. (backup and presentation)
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. (backup and presentation)
- Site plan showing existing conditions if development exists currently on the property (presentation only)
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan (backup and presentation)
- Environmental Map A map that shows pertinent features including Floodplain, CWQZ,
   WQTZ, CEFs, Setbacks, Recharge Zone, etc. (backup and presentation)
- An Environmental Assessment pursuant to ECM 1.3.0 (if required by 25-8-121) (backup only)
- Applicant's variance request letter (backup only)



October 28, 2013

1701 Directors Blvd., Suite 400 Austin, Texas 78744-1024

TEL 512 441 9493 FAX 512 445 2286

ROSENBERG SAN ANTONIO THE WOODLANDS

**BRYAN/COLLEGE STATION** 

AUSTIN
DALLAS
HOUSTON
BRENHAM

GREENSPOINT

Zoning and Platting Commission 301 W 2nd Street Austin, Texas 78701 Texas Board of Professional Engineers Registration No. F-439

Re:

CEF Rimrock Setback Variance

Austin Oaks Restaurant 7601 Wood Hollow Drive SP-2013-0058CT

#### Dear Commissioners:

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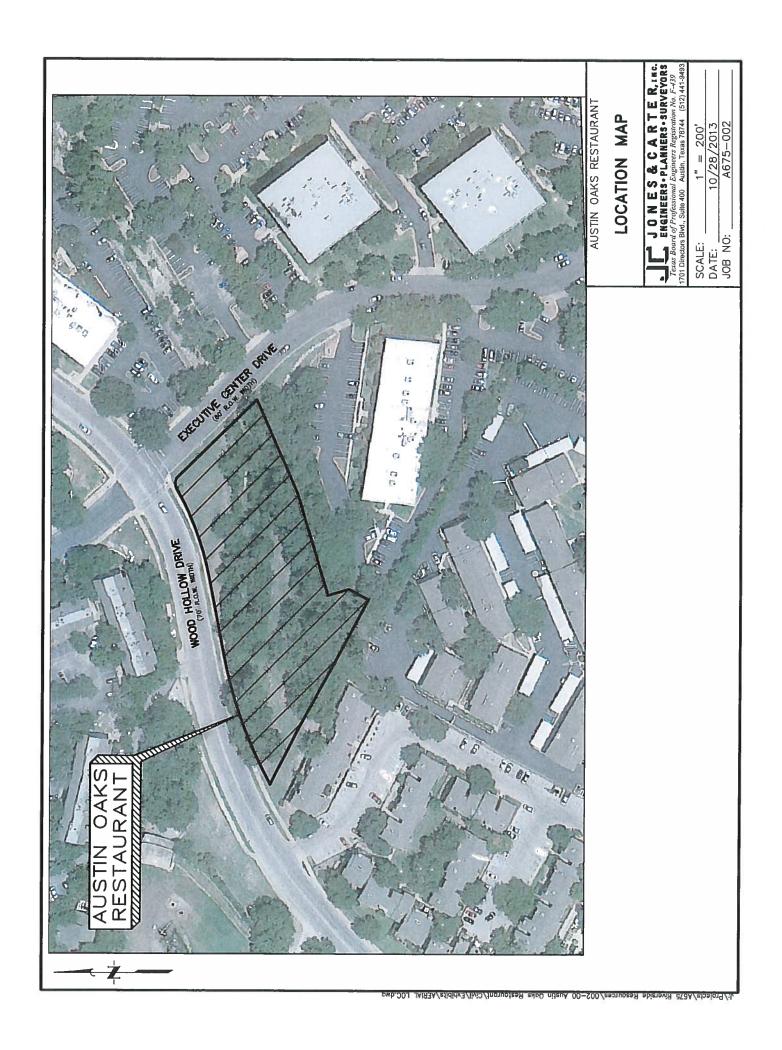
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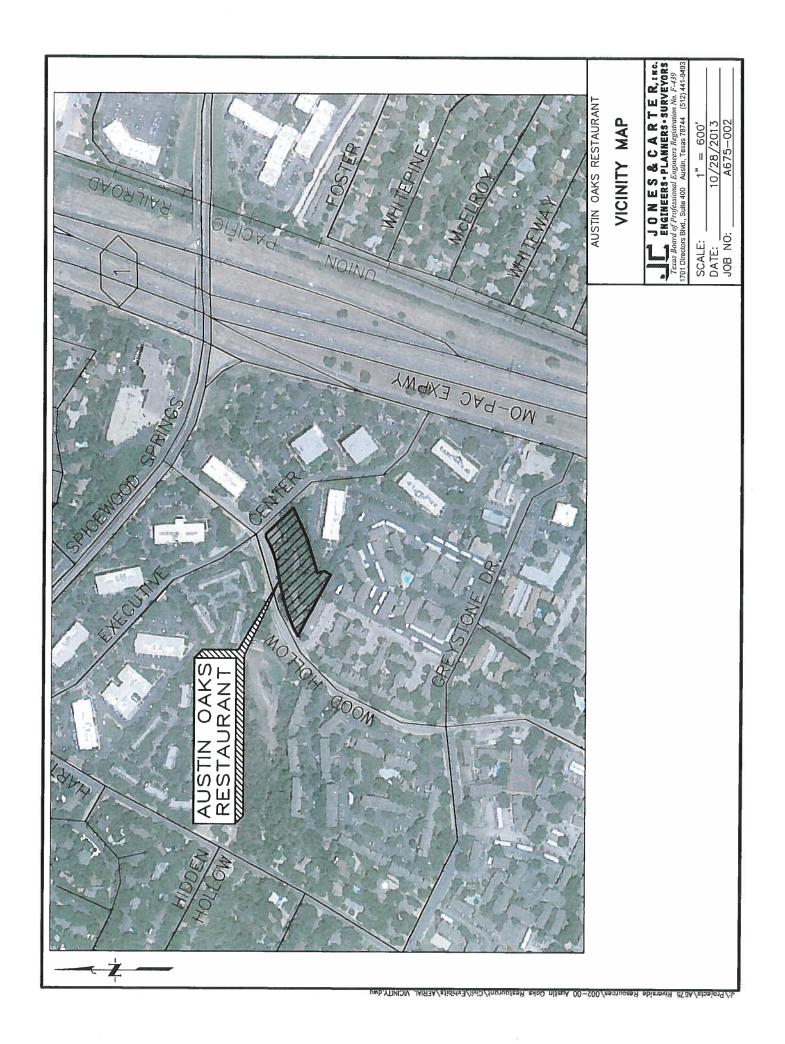
Sincerely,

Shawn Graham, P.E., LEED AP

JMS/scg

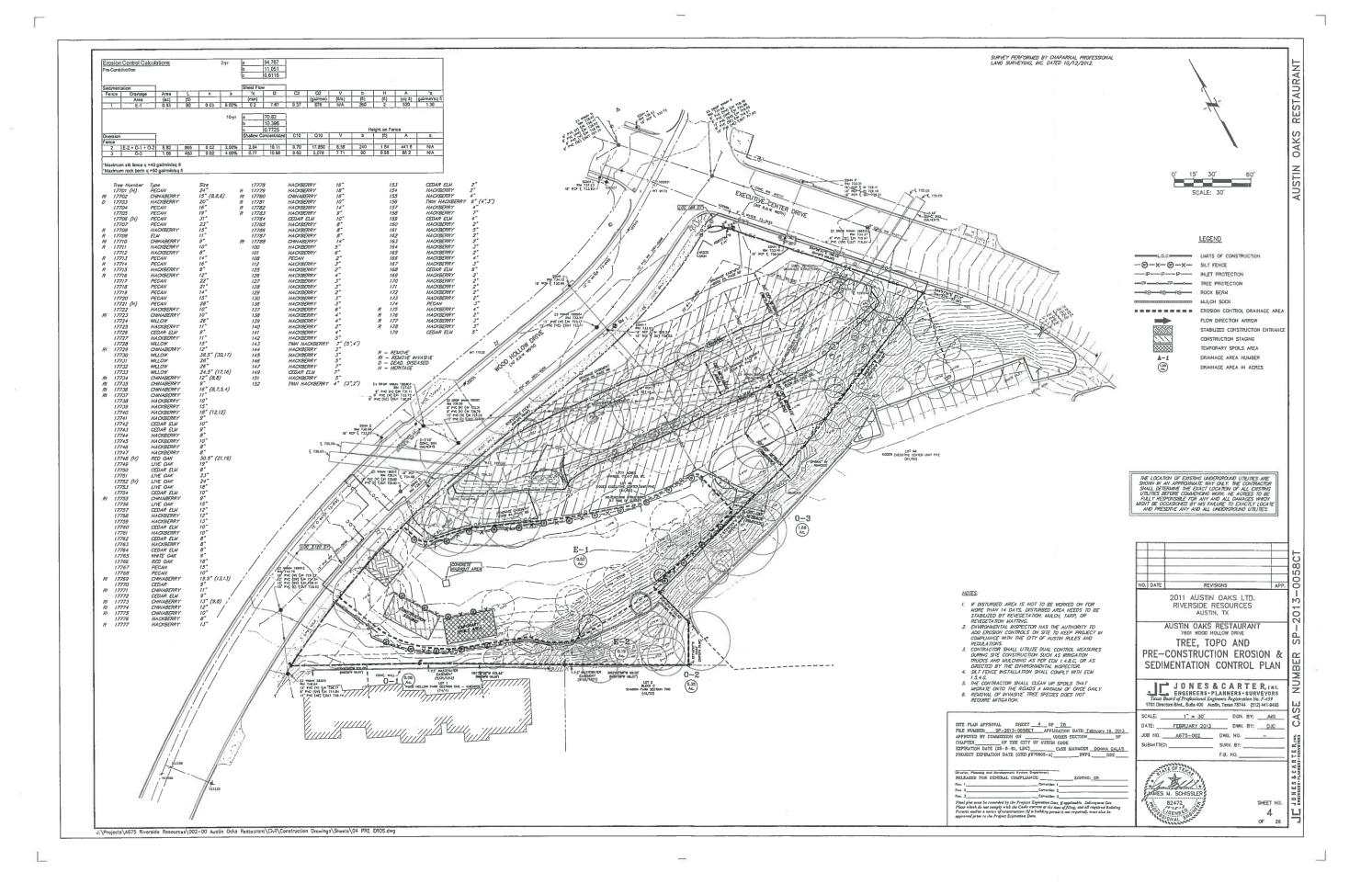
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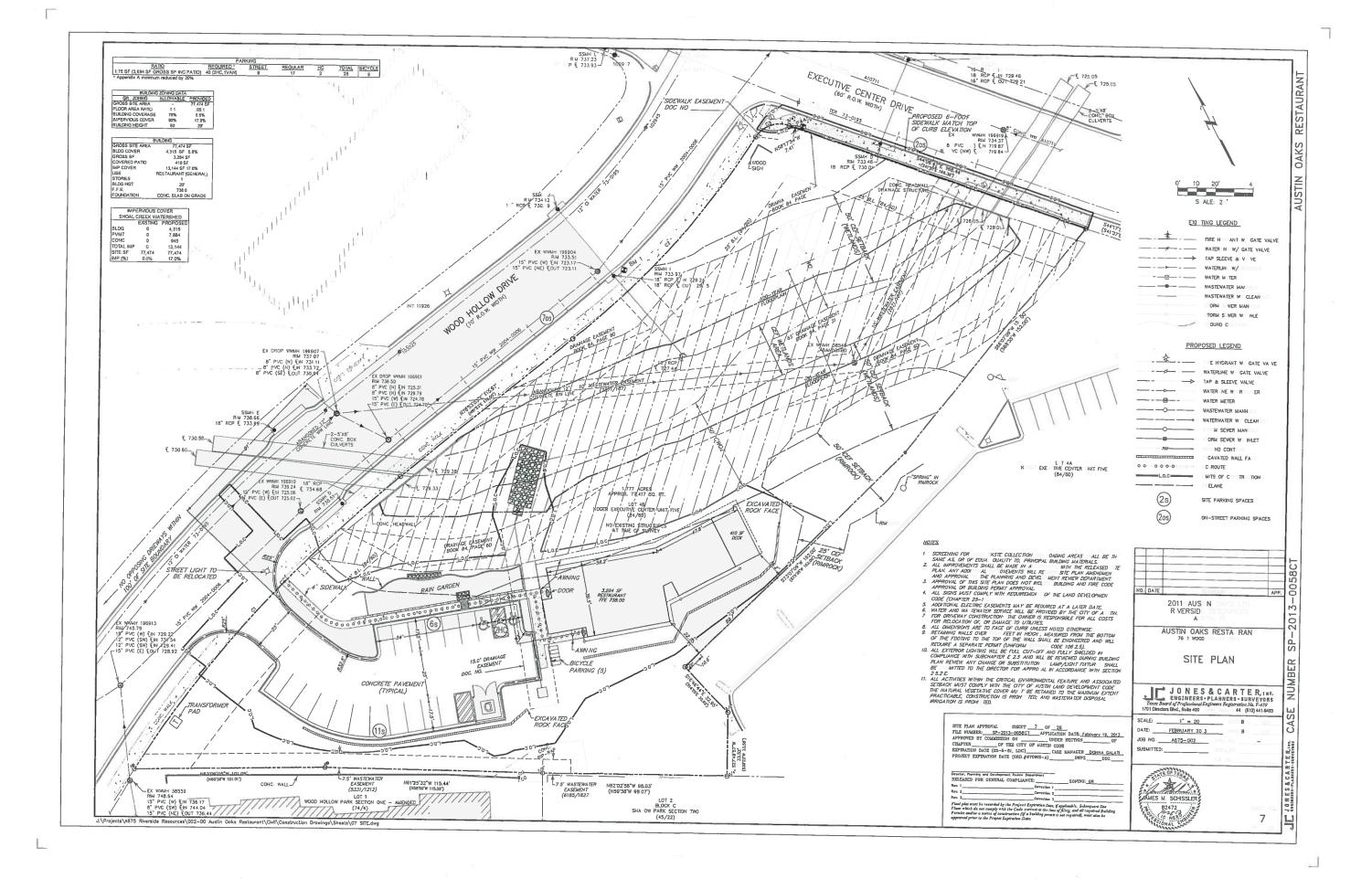




# AUSTIN OAKS RESTAURANT SP-2013-0058CT PHOTO OF RIMROCK







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